

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

**FILED**  
AUG 26 2008

*[Signature]*  
CLERK

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BUD THEUS III,

Petitioner,

-VS-

UNITED STATES OF AMERICA,

Respondent.

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CIV 08-4110  
CR 05-40064

JUDGMENT

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In accordance with the Memorandum Opinion issued on today's date,

**IT IS HEREBY ORDERED** ADJUDGED AND DECREED that Theus' motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc.376) is dismissed.

Dated this 26<sup>th</sup> day of August, 2008.

BY THE COURT:

*[Signature: Lawrence L. Piersol]*

Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *[Signature: Shelly D. Margulies]*  
(SEAL) DEPUTY